

EXHIBIT A

JACK BONSKY

<div>Page 1</div> <div>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA - - - MATTHEW REYNOLDS, : NO.: 5:21-cv-01208 : Plaintiff, : : v. : : WILLERT MFG. CO., LLC, : : Defendant. : - - - Wednesday, September 1, 2021 Oral deposition of JACK BONSKY, held via ZOOM VIDEOCONFERENCE, commencing at 1:12 p.m., on the above date, before Masheka C. Pettiford, a Professional Shorthand Reporter and Notary Public in and for the Commonwealth of Pennsylvania. - - - BISNOW & JOSEPH COURT REPORTING 1518 Walnut Street - Suite 704 Philadelphia, Pennsylvania 19102 215-567-1701 Bisnowandjoseph@verizon.net</div>	<div>Page 2</div> <div>1 APPEARANCES: 2 3 LAW OFFICE OF STEVEN T. AUERBACH 4 BY: STEVEN T. AUERBACH, ESQ. 822 Montgomery Ave, Suite 210 Narberth, PA 19072 215-964-4410 Auerbach.steven@gmail.com Counsel for Plaintiff 5 6 7 8 KAUFMAN, DOLOWICH & VOLUCK, LLP 9 BY: EILEEN FICARO, ESQ. 930 Harvest Drive, Suite 420 Blue Bell, PA 19422 215-461-1100 Eficaro@kdvlaw.com Counsel for Defendant 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</div>
<div>Page 3</div> <div>1 - - - INDEX 2 - - - 3 4 Testimony of: JACK BONSKY 5 6 By Mr. Auerbach6 7 8 By Ms. Ficaro.87 9 10 - - - EXHIBITS 11 - - - 12 13 EXHIBIT PAGE 14 NO. DESCRIPTION NO. 15 16 (No exhibits were marked.) 17 18 19 20 21 22 23 24</div>	<div>Page 4</div> <div>1 DEPOSITION SUPPORT INDEX 2 3 DIRECTION TO WITNESS NOT TO ANSWER: 4 Page Line Page Line 5 22 15-18 46 1-3 6 34 12-14 7 34 20-22 8 45 7-12 9 45 17-18 10 REQUEST FOR PRODUCTION OF DOCUMENTS: 11 Page Line 12 (None) 13 14 STIPULATIONS: 15 Page Line 16 5 2-11 17 18 QUESTION MARKED: 19 Page Line 20 22 13-14 21 45 23-24 22 23 24</div>

JACK BONSKY

<p style="text-align: right;">Page 5</p> <p>1 - - -</p> <p>2 MR. AUERBACH: There are four</p> <p>3 stipulations. Number one, the witness will have</p> <p>4 the opportunity to read the deposition, number</p> <p>5 two, the witness will have the opportunity to</p> <p>6 make any corrections on an errata sheet, three,</p> <p>7 the witness will sign the deposition correct or</p> <p>8 not, verifying its accuracy, four, all</p> <p>9 objections except to the form of the question</p> <p>10 are reserved and are not waived by not objecting</p> <p>11 during this deposition.</p> <p>12 Our reporter, would you swear in</p> <p>13 the witness.</p> <p>14 - - -</p> <p>15 JACK BONSKY, after having been</p> <p>16 duly sworn, was examined and testified as</p> <p>17 follows:</p> <p>18 - - -</p> <p>19 EXAMINATION</p> <p>20 - - -</p> <p>21 BY MR. AUERBACH:</p> <p>22 Q. Mr. Bonsky, good morning again.</p> <p>23 A. Hello.</p> <p>24 Q. My name is Steve Auerbach. I</p>	<p style="text-align: right;">Page 6</p> <p>1 represent Matthew Reynolds in a lawsuit that he</p> <p>2 filed against Willert. We are here today to</p> <p>3 take your deposition in connection with this</p> <p>4 lawsuit.</p> <p>5 Do you understand?</p> <p>6 A. Yes.</p> <p>7 Q. You are here today as a fact</p> <p>8 witness and not as a defendant. Today is going</p> <p>9 to be a question-and-answer session designed to</p> <p>10 obtain information that you may or may not know.</p> <p>11 We only care about that of what it is that you</p> <p>12 actually know about Mr. Reynolds' allegations,</p> <p>13 and we don't want you to guess. If you feel</p> <p>14 like you can approximate or estimate an answer</p> <p>15 such as a date or number, feel free to do so,</p> <p>16 but if it's going to be a complete guess or</p> <p>17 speculation, just let me know and we can move</p> <p>18 on.</p> <p>19 Mr. Bonsky, do you understand the</p> <p>20 difference between an educated guess and</p> <p>21 complete speculation?</p> <p>22 A. Yes.</p> <p>23 Q. Do you understand that even</p> <p>24 though we are not in front of a judge and jury</p>
<p style="text-align: right;">Page 7</p> <p>1 at the moment this proceeding needs to be</p> <p>2 treated just as if we were?</p> <p>3 A. Yes.</p> <p>4 Q. At times I mumble and ask clunky</p> <p>5 questions. Unless you tell me otherwise, I will</p> <p>6 assume that you understood all of my questions.</p> <p>7 Do you understand that it's your</p> <p>8 responsibility to tell me you don't understand</p> <p>9 anything I say?</p> <p>10 A. Yes.</p> <p>11 Q. And if that happens, just let me</p> <p>12 know, and I'll do my best to restate it.</p> <p>13 A. Okay.</p> <p>14 Q. I'll also assume that you've</p> <p>15 heard all of my questions in their entirety. If</p> <p>16 we have any internet or phone issues, please let</p> <p>17 me know so that the most recent question and</p> <p>18 response will be read back. At times, people</p> <p>19 who take the depositions, they act like</p> <p>20 politicians and they can take a thousand words</p> <p>21 to answer a yes or no question. I lean in, and</p> <p>22 I would call that a question dodge.</p> <p>23 May I ask your cooperation in not</p> <p>24 question dodging?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Yes.</p> <p>2 Q. And should that ever happen for</p> <p>3 whatever reason, I'm just going to remind you of</p> <p>4 that agreement.</p> <p>5 Mr. Bonsky, is there any reason</p> <p>6 you wouldn't be able to give your best testimony</p> <p>7 today?</p> <p>8 A. No.</p> <p>9 Q. And you and I are in different</p> <p>10 locations.</p> <p>11 May I ask where you are now?</p> <p>12 A. I'm in Douglassville, in the</p> <p>13 plant.</p> <p>14 Q. You're at Willert?</p> <p>15 A. Yes.</p> <p>16 Q. Is there anyone else in the room</p> <p>17 with you?</p> <p>18 A. No.</p> <p>19 Q. Is there anyone else within</p> <p>20 earshot of you?</p> <p>21 A. No.</p> <p>22 Q. And are you in the chemistry lab</p> <p>23 or are you in your office?</p> <p>24 A. This is my office.</p>

2 (Pages 5 to 8)

JACK BONSKY

<p style="text-align: right;">Page 9</p> <p>1 Q. And may I ask what documents are</p> <p>2 in front of you?</p> <p>3 A. Work. Just work documents.</p> <p>4 Q. Anything relating to this</p> <p>5 litigation?</p> <p>6 A. No.</p> <p>7 Q. Anything with Matthew Reynolds</p> <p>8 name on it?</p> <p>9 A. No.</p> <p>10 Q. Mr. Bonsky, have you ever been</p> <p>11 deposed before?</p> <p>12 A. Yes.</p> <p>13 Q. In connection with what?</p> <p>14 A. Lawsuit that I brought.</p> <p>15 Q. And how many times were you</p> <p>16 deposed in that matter?</p> <p>17 A. Once.</p> <p>18 Q. And how long ago was that?</p> <p>19 A. I was 18 or 19. I'm 56 now.</p> <p>20 Q. Wonderful. In broad strokes,</p> <p>21 what was the nature of that action?</p> <p>22 A. Medical malpractice.</p> <p>23 Q. Is that the only time in which</p> <p>24 you remember being deposed?</p>	<p style="text-align: right;">Page 10</p> <p>1 A. Yes.</p> <p>2 Q. Whatever happened with that</p> <p>3 medical malpractice action?</p> <p>4 A. We settled out of court.</p> <p>5 Q. Have you ever served in the</p> <p>6 military?</p> <p>7 A. No.</p> <p>8 Q. Have you ever been arrested?</p> <p>9 A. No.</p> <p>10 Q. Have you ever been charged with a</p> <p>11 crime?</p> <p>12 A. No.</p> <p>13 Q. Okay. And to make sure today</p> <p>14 goes smoothly, I'm going to give you some</p> <p>15 additional ground rules. You're doing great so</p> <p>16 far, but it's important that we don't speak over</p> <p>17 each other. Please let me finish stating the</p> <p>18 question before you answer it. Unless there's a</p> <p>19 question dodge, I'll allow you to finish your</p> <p>20 question before I pose another one. Even though</p> <p>21 I like -- I'll likely know what you meant if you</p> <p>22 shrugged your shoulders or nodded your head</p> <p>23 after I've asked the question, I ask that you</p> <p>24 use actual words to answer these questions. If</p>
<p style="text-align: right;">Page 11</p> <p>1 a response calls for a yes, please answer with a</p> <p>2 yes and not with an uh-huh.</p> <p>3 Do you agree to that?</p> <p>4 A. Yes.</p> <p>5 Q. Also for the benefit of the court</p> <p>6 reporter, may I ask you to keep your voice up.</p> <p>7 A. Please restate that.</p> <p>8 Q. Sure. For the benefit of the</p> <p>9 court reporter, can I ask you to keep your voice</p> <p>10 up.</p> <p>11 A. Keep my what now?</p> <p>12 Q. Voice up.</p> <p>13 A. Oh, yes. Okay. I'll do that.</p> <p>14 Q. Okay. Great. And we discussed</p> <p>15 this off the record, but if you need to take a</p> <p>16 break at any point, let me know. If you need to</p> <p>17 get up, stretch your legs, get a cup of coffee,</p> <p>18 use the restroom, that's fine. We can do that.</p> <p>19 We'll finish the current line of questioning</p> <p>20 then take a break. I would also ask that during</p> <p>21 the break you not speak with Eileen at any</p> <p>22 point.</p> <p>23 Do you agree to that?</p> <p>24 A. I agree.</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. FICARO: I just object to</p> <p>2 that there. I don't believe that we are -- I</p> <p>3 think that should be limited to about the</p> <p>4 subject matter of the deposition.</p> <p>5 BY MR. AUERBACH:</p> <p>6 Q. Mr. Bonsky, do you agree to not</p> <p>7 text -- do you have Eileen's cell phone number?</p> <p>8 A. I think I do.</p> <p>9 Q. I'm not asking for what the</p> <p>10 number is. I'm just asking if you have it. May</p> <p>11 I -- don't tell me anything that was discussed</p> <p>12 between you and Eileen, but how have you been</p> <p>13 communicating? Through phone, e-mail?</p> <p>14 A. Both.</p> <p>15 Q. Okay. And I'm going to ask that</p> <p>16 during this litigation your questions not be --</p> <p>17 your responses not be prompted by Eileen.</p> <p>18 Do you understand that?</p> <p>19 A. Yes.</p> <p>20 Q. And that to the extent you need</p> <p>21 to speak with Eileen, please let me know.</p> <p>22 Now, from time to time, Eileen</p> <p>23 will object to some of my questions, as she just</p> <p>24 did. And if she does, please let her place the</p>

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<p style="text-align: right;">Page 13</p> <p>1 objection on the record. You'll then go ahead 2 and answer the question after we resolve the 3 objection. And, again, please don't interpret 4 any of my questions as me asking for information 5 that was shared between you and your attorney. 6 That's protected by attorney/client privilege, 7 so I'm not going to be seeking that information. 8 Have you had the opportunity to 9 speak with Eileen prior to today's deposition? 10 A. Yes. 11 Q. Do you need any more time to 12 speak with her before we begin? 13 A. No. 14 Q. Putting aside counsel for a 15 second, have you spoken with anyone else about 16 today's deposition? 17 A. Yes. 18 Q. With whom have you spoken? 19 A. I've let my staff know that I was 20 going to be in a deposition this afternoon so 21 they would leave me alone. 22 Q. And that would include who? 23 A. Dave Furno, Joe Woods, Debbie 24 Kulp, Cliff Heller and Rick Hansen.</p>	<p style="text-align: right;">Page 14</p> <p>1 Q. Did you say that this was a 2 deposition with Matthew Reynolds or you just 3 used the word deposition? 4 A. Used the word deposition. 5 Q. And these people that you 6 identified, what did you tell them about today's 7 deposition? 8 A. Nothing specific. I'm just being 9 deposed. 10 Q. And approximately how long would 11 you say -- did you say that you spent talking to 12 these people? 13 A. The meeting was about an hour. 14 The conversation regarding this was minutes, 15 tops. 16 Q. And that happened today? 17 A. Yes. 18 Q. And you said it took minutes 19 tops. 20 Did you discuss the substance of 21 Mr. Reynolds' allegations or -- 22 A. No. 23 Q. -- the substance of the lawsuit 24 at all?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. No. 2 Q. Have these people that you 3 identified ever shared their feelings about 4 Mr. Reynolds or his allegations? 5 MS. FICARO: Objection. You can 6 answer it if you are able to. 7 THE WITNESS: They have expressed 8 their feelings about Mr. Reynolds. Nobody has 9 expressed anything with respect to this 10 litigation. 11 BY MR. AUERBACH: 12 Q. When you say they expressed their 13 feelings about Mr. Reynolds, who are you 14 referring to? 15 A. Many people. 16 Q. Okay. Who is the first one who 17 comes to mind? 18 A. His subordinate, John Kulp. 19 Q. John -- would you spell the last 20 name. 21 A. K-U-L-P. 22 Q. And what did Mr. Kulp share with 23 you about Mr. Reynolds? 24 A. I asked Mr. Kulp and another</p>	<p style="text-align: right;">Page 16</p> <p>1 gentleman, Randy Trout, T-R-O-U-T, what they 2 thought about Mr. Reynolds' performance while he 3 was working with them. 4 Q. Was Mr. Trout also a subordinate 5 of Mr. Reynolds? 6 A. Yes. 7 Q. And what were their job titles? 8 A. Maintenance mechanic, both of 9 them. 10 Q. Are both of these individuals are 11 still employed with Willert? 12 A. Yes. 13 Q. Were they -- did they start 14 working for Willert before you started working 15 there? 16 A. Yes. 17 Q. And what did they tell you about 18 Mr. Reynolds' performance? 19 A. They weren't pleased with his 20 performance. Their -- the major complaint was 21 -- he said they never knew where he was, and he 22 would work different hours. He'd come in late, 23 and he just never communicated with his team and 24 they didn't like that.</p>

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1 Q. When did you have this
2 conversation with Mr. Kulp and Mr. Trout?
3 A. While Matt was working here. I
4 don't recall the date.
5 Q. So between October and November
6 2020?
7 A. Yes.
8 MS. FICARO: Objection to form,
9 just in terms of the dates.
10 BY MR. AUERBACH:
11 Q. Did you have more than one
12 conversation with Mr. Kulp and Mr. Trout about
13 Mr. Reynolds' performance?
14 A. No.
15 Q. Other than Mr. Kulp and
16 Mr. Trout, who else did you discuss about
17 Mr. Reynolds?
18 A. One would be Joe Woods.
19 Q. And who was Joe Woods?
20 A. Production manager.
21 Q. Is Mr. Woods still employed with
22 Willert?
23 A. Yes.
24 Q. And what was shared with you

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1 about Mr. Reynolds by Mr. Woods?
2 A. Specifics I don't recall, but
3 it's just the normal course of business for the
4 production manager, the plant manager to bring
5 up the name of the maintenance manager. I'm
6 sure we did.
7 Q. And this would have only been
8 when Mr. Reynolds was working for Willert?
9 A. And I notified Joe of the
10 termination maybe afterward.
11 Q. What did you tell Joe about the
12 termination?
13 A. Just that Matt was terminated.
14 Q. Did he share his feelings about
15 Matt's termination?
16 A. I don't remember.
17 Q. Since Mr. Reynolds was
18 terminated, have you had any other conversations
19 with Mr. Woods about Mr. Reynolds?
20 A. Yes.
21 Q. What other conversations?
22 A. We talked about the visit that
23 Matt had to the plant with counsel. Joe hosted
24 the visit. I suggested he do it, then I let Joe

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1 know what was going on, then counsel prepped
2 him.
3 Q. Other than Mr. Kulp, Trout and
4 Woods, have you discussed Mr. Reynolds with
5 anyone else?
6 A. Yes.
7 Q. Who?
8 A. Bryan Willert.
9 Q. Mr. Willert is the owner of
10 Willert?
11 A. I believe so.
12 Q. Approximately how many
13 conversations did you have with Mr. Willert
14 about Mr. Reynolds?
15 A. Oh, many. Dozens.
16 Q. Okay. When was the most recent?
17 A. About Mr. Reynolds, I don't
18 remember.
19 Q. Was it after he was terminated?
20 A. Oh, yeah. We talked about it
21 after the termination, yes.
22 Q. Other than Mr. Kulp, Trout, Woods
23 and Willert, have you discussed Mr. Reynolds
24 with anyone else?

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1 A. Yes.
2 Q. Who?
3 A. Tammy Gillette.
4 Q. Ms. Gillette is the HR rep?
5 A. Yes.
6 Q. And she's still employed with
7 Willert?
8 A. Yes.
9 Q. When was the most recent
10 conversation with Ms. Gillette about Mr.
11 Reynolds?
12 A. Many, many weeks. Maybe several
13 months back.
14 Q. Any other individuals we haven't
15 discussed yet?
16 A. Yes.
17 Q. Who?
18 A. Dave Furno.
19 Q. What?
20 A. Dave Furno, F-U-R-N-O.
21 Q. Who is Mr. Furno?
22 A. He is our quality and safety
23 manager.
24 Q. And what did you discuss with

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<p style="text-align: right;">Page 21</p> <p>1 Mr. Furno?</p> <p>2 A. Many, many things. Mr. Furno was</p> <p>3 the coordinator of the drug test. We talked</p> <p>4 about that.</p> <p>5 Q. Anything else you discussed with</p> <p>6 Mr. Furno about Mr. Reynolds?</p> <p>7 A. Just the day-to-day conversation</p> <p>8 that would happen. We all worked together. I</p> <p>9 can't think of a specific anything.</p> <p>10 Q. Did Mr. Furno have any opinion of</p> <p>11 that or share with you his opinion about</p> <p>12 Mr. Reynolds or his allegations?</p> <p>13 A. He didn't share anything with me.</p> <p>14 Q. Any other individuals we haven't</p> <p>15 listed?</p> <p>16 A. Yes.</p> <p>17 Q. Who?</p> <p>18 A. Ed Kennet.</p> <p>19 Q. Ed Kennet or Kenneth?</p> <p>20 A. Kennet. I apologize.</p> <p>21 K-E-N-N-E-T.</p> <p>22 Q. Who is Mr. Kennet?</p> <p>23 A. He is our controller.</p> <p>24 Q. And what was the nature of the</p>	<p style="text-align: right;">Page 22</p> <p>1 conversation with Mr. Kennet about Mr. Reynolds?</p> <p>2 A. He was the witness for the</p> <p>3 termination, which --</p> <p>4 Q. Anyone else?</p> <p>5 A. Nobody comes to mind, but there's</p> <p>6 dozens and dozens of people here I've probably</p> <p>7 talked to in some way, shape or form.</p> <p>8 Q. And, again, I don't want to know</p> <p>9 anything that may have been said between you and</p> <p>10 Eileen, but did you speak with Eileen in</p> <p>11 anticipation of today's deposition?</p> <p>12 A. Yes.</p> <p>13 Q. *For approximately how long did</p> <p>14 you guys speak?</p> <p>15 MS. FICARO: Objection. I would</p> <p>16 just instruct him not to answer that question or</p> <p>17 anything regarding the contents of our</p> <p>18 conversation.</p> <p>19 MR. AUERBACH: Well, I'm not</p> <p>20 asking the contents. I'm asking how long he</p> <p>21 spoke.</p> <p>22 MS. FICARO: I think arguably</p> <p>23 that's crossing the line here.</p> <p>24 MR. AUERBACH: So I can ask about</p>
<p style="text-align: right;">Page 23</p> <p>1 an insertion of privilege. I can't ask any</p> <p>2 privileged information. I can ask how long he</p> <p>3 spoke with you.</p> <p>4 MS. FICARO: I think anything</p> <p>5 regarding, you know, our meeting or discussion</p> <p>6 is off limits.</p> <p>7 MR. AUERBACH: Court reporter,</p> <p>8 would you mark this for me.</p> <p>9 BY MR. AUERBACH:</p> <p>10 Q. Mr. Bonsky, have you done</p> <p>11 anything else to prepare for today's deposition?</p> <p>12 A. Yes.</p> <p>13 Q. What did you do?</p> <p>14 A. Deep personal thought while I'm</p> <p>15 all by myself just to get ready.</p> <p>16 Q. Did you review any documents?</p> <p>17 A. No.</p> <p>18 Q. Moving on to background.</p> <p>19 What is your understanding of</p> <p>20 Mr. Reynolds' claims?</p> <p>21 A. I believe he feels that we</p> <p>22 discriminated against him because he is a</p> <p>23 medical marijuana user.</p> <p>24 Q. Mr. Bonsky, where do you reside?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Wyomissing, Pennsylvania.</p> <p>2 Q. And do you live with anyone?</p> <p>3 A. Yes.</p> <p>4 Q. With whom do you live?</p> <p>5 A. My wife.</p> <p>6 Q. How long have you been married?</p> <p>7 A. About four years.</p> <p>8 Q. Is this your first marriage?</p> <p>9 A. No.</p> <p>10 Q. What number marriage is this for</p> <p>11 you?</p> <p>12 A. This is my second marriage.</p> <p>13 Q. Your wife, is it her first</p> <p>14 marriage or is it a second marriage as well?</p> <p>15 A. It is her second marriage.</p> <p>16 Q. Do you have any children?</p> <p>17 A. Yes.</p> <p>18 Q. How many and what are their ages?</p> <p>19 A. I have three children that are</p> <p>20 28 -- let me take that back. 26, 24, 22.</p> <p>21 Q. Do you use social media?</p> <p>22 A. Yes.</p> <p>23 Q. What social media do you use?</p> <p>24 A. LinkedIn.</p>

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1 Q. May I assume that your name on
2 the LinkedIn is Jack Bonsky?

3 A. Name on it -- it's either Jack
4 **Bonsky or Jack R. Bonsky. I don't recall.**

5 Q. Do you use Facebook?

6 A. No.

7 Q. Smart man. Other than LinkedIn,
8 any other?

9 A. No. None.

10 Q. In broad strokes, what does
11 Willert do?

12 A. **We make products that go in your
13 home, consumer packaged goods. So disposable
14 things, things to clean your home with. Other
15 plants do things like mothballs and fly swatters
16 and traps to catch insects. Here we do liquid
17 fill. And our products here are liquid fill
18 products, either under our name or somebody
19 else's. We're a third-party manufacturer. And
20 we also do air conditioners -- excuse me -- air
21 fresheners for ourselves and for another
22 customers.**

23 Q. What is liquid fill?

24 A. Liquid fill?

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1 Q. Yes.

2 A. **You take a bottle, you fill it
3 with liquid, you cap it somehow, you put a label
4 on it and you put it in a cart. Like, I guess I
5 missed the fact -- the first thing you do is you
6 blend the chemicals together.**

7 Q. And does Willert blend these
8 chemicals before it puts it in the container?

9 A. Yes.

10 Q. And you have a house brand of
11 some of these products?

12 A. **What do you mean house brand?**

13 Q. Meaning -- you said that you or I
14 believe I heard you say if -- I don't want to
15 misquote you -- that you do liquid fill for
16 other people's products -- other companies'
17 products and then do you also make -- does
18 Willert make their own products to sell directly
19 to consumers.

20 A. Yes.

21 Q. And --

22 A. **Let me back up. Not directly to
23 consumers. Directly to customers that end up on
24 the shelf. That's where consumers get involved.**

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1 Q. What types of products are
2 involved in the liquid fill?

3 A. Our biggest runner is a product
4 called Ty D Bol, which is a toilet cleaner.

5 MS. FICARO: Just -- Jack, are
6 you finished your response there?

7 THE WITNESS: Yes.

8 MS. FICARO: I just want to
9 insert just a statement here, that to the extent
10 that he is testifying to any accommodations of
11 chemicals or anything else that would be
12 considered proprietary and confidential
13 information, that we would request that those
14 portions of the transcript are marked
15 confidential.

16 MR. AUERBACH: That's agreeable.

17 **CONFIDENTIAL PORTION HELD UNDER SEPARATE COVER**

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13 Q. Willert has a facility in
14 Douglassville, Pennsylvania; does it now?

15 A. Yes.

16 Q. And that's where you work?

17 A. Yes.

18 Q. How big of a facility is this?

19 A. **It's about 87,000 square feet.
20 Excuse me. 86,000 square feet.**

21 Q. And of the 86,000 square feet,
22 how many square -- all 86,000 square feet are in
23 active use; is that correct?

24 A. Yes.

7 (Pages 25 to 28)

JACK BONSKY

<p style="text-align: right;">Page 29</p> <p>1 Q. So approximately how many square 2 feet is Willert actually using of this 86,000 3 square foot facility? 4 A. All of it. 5 Q. What is your job title with 6 Willert? 7 A. Plant manager. 8 Q. And what are your duties? 9 A. Virtually every person at the 10 facility reports to me, so I'm responsible for 11 -- I'll give you the functions that report in to 12 me: production, got maintenance, got 13 shipping/receiving, human resources, supply 14 chain, which is scheduling and buying things, 15 material handlers all work indirectly through 16 me, all the operators in the plant work 17 indirectly through me. The blenders work, 18 again, indirectly for me. 19 Q. So you oversee the people? 20 A. Yes. 21 Q. Do you have any other duties? 22 A. Yes. 23 Q. What are they? 24 A. I do project work that doesn't</p>	<p style="text-align: right;">Page 30</p> <p>1 directly involve managing people. 2 Q. What's project work mean? 3 A. Manufacturing engineering. 4 Q. Can you give some examples? 5 A. Yeah. I'm currently in the 6 process of purchasing a case taper, a machine to 7 take a box together. Specify it, get the 8 prices, get it ordered, get it in here, get it 9 installed. 10 Q. So project manager work is if 11 there's a -- if there's a need for the plant, so 12 purchasing large equipment? 13 A. Yes. 14 Q. Anything else? 15 A. Yes. 16 Q. What else do you do? 17 A. I have considerable customer 18 contact. 19 Q. What does that mean? 20 A. Well, everything from pre -- from 21 helpings us prepare quotations for jobs to 22 helping clarifying specifications with our 23 customers, providing the customer technical 24 advice and running sample runs here of first,</p>
<p style="text-align: right;">Page 31</p> <p>1 second, third-type runs when the customer comes 2 in. 3 Q. You became the plant manager in 4 October 2020; is that correct? 5 A. Yes, that's correct. 6 Q. And who do you report to? 7 A. Bryan Willert. 8 Q. Do you report to anyone else? 9 A. No. 10 Q. And your current maintenance 11 manager reports to you? 12 A. Yes. 13 Q. What is this person's name? 14 A. Rick Hansen, H-A-N-S-E-N. 15 Q. H-A-N-S-E-N? 16 A. Correct. 17 Q. When did Mr. Hansen become the 18 maintenance manager? 19 A. December 20th or so. Just before 20 the Christmas break. 21 Q. Does Mr. Hansen report to anyone 22 else other than you? 23 A. No. 24 Q. And do you have the authority to</p>	<p style="text-align: right;">Page 32</p> <p>1 discipline Mr. Hansen? 2 A. Yes. 3 Q. What authority do you have? 4 A. To discipline, to coach and 5 counsel and have those difficult discussions 6 that end up in a file. 7 Q. Do you have the ability to put 8 someone on a performance improvement plan? 9 A. Yes, but I would always do that 10 in -- with HR to help out, and I would certainly 11 -- if it's somebody directly reporting to me, 12 I'd let my boss know what's going on. 13 Q. Do you have the ability to fire 14 anyone? 15 A. Not on my own. 16 Q. Who has that authority? 17 A. Well, it depends on where -- 18 nobody fires -- no one person can fire anybody 19 in the organization. Like, for example -- well, 20 for example, if it's a person that's one step 21 below me, my direct reports, I can -- I can have 22 a recommendation for termination. I would 23 always run that through our HR person, make sure 24 it makes sense to do it, and then I'd run it by</p>

8 (Pages 29 to 32)

JACK BONSKY

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1 my boss, Bryan Willert, to arrive -- to see if
2 he agrees.

3 Q. And since November 2020, have you
4 had to fire anyone?

5 A. Yes.

6 Q. Who have you had to fire?

7 A. There's been several --

8 MR. FICARO: Hold on a moment,
9 Jack. I just want to object here to offering
10 any testimony regarding, you know, personal and
11 confidential information regarding nonparties to
12 this action.

13 If you can ask your questions
14 without asking their names, Steven, you know, I
15 will permit Jack to answer that question as so
16 long as it doesn't reveal personal identifying
17 information regarding any individuals other than
18 Mr. Reynolds.

19 MR. AUERBACH: Well, I'm going to
20 ask their name. I'm not going to ask their
21 Social Security number, their bank information,
22 but I have to have some way of identifying who
23 these people are, the reasons for it. It's
24 plainly discoverable. Whether or not it's

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1 admissible in evidence, that's a whole separate
2 issue.

3 MS. FICARO: It, frankly, would
4 have no relevance to this case, unless it was
5 somehow -- it was a termination for the same
6 reasons that, you know, Mr. Reynolds is claiming
7 that he was terminated here.

8 BY MR. AUERBACH:

9 Q. Mr. Bonsky, who have you
10 terminated?

11 MS. FICARO: Same objection. And
12 again, Jack, I would just advise you not to
13 offer their names.

14 BY MR. AUERBACH:

15 Q. Mr. Bonsky, I'm going to ask for
16 you to give their names. And if Eileen is going
17 to insist on this, I'm going to ask for us to
18 adjourn while I get the judge on the phone.

19 MS. FICARO: I'm going to advise
20 you not to answer in terms of these individuals'
21 names.

22 MR. AUERBACH: All right. How do
23 you want to handle this? Do you want -- I think
24 we got to call chambers here.

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1 Let's go off the record.

2 - - -

3 (Whereupon, an off-the-record
4 discussion occurred.)

5 - - -

6 CONFIDENTIAL PORTION HELD UNDER SEPARATE COVER

7 *

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14 *

15 MS. FICARO: I think this is an
16 end run around that here in terms of getting
17 these individuals' names.

18 MR. AUERBACH: That's fine.

19 MR. FICARO: There must be other
20 ways for you to ask these questions that would
21 not reveal these individuals' names and their
22 identities and any employment action taken
23 against them here, something that would be
24 considered confidential and proprietary

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1 information regarding nonparties to this action.

2 MR. AUERBACH: So you have an
3 issue with CR?

4 MS. FICARO: Yes.

5 MR. AUERBACH: Okay. Do you have
6 any other suggestions?

7 MS. FICARO: Well, I think it
8 depends on what you're looking for, Steve, but
9 --

10 MR. AUERBACH: I want to know who
11 was fired and for what.

12 MS. FICARO: A better way to ask
13 that would be -- well, I'm not going to advise
14 you as to how to ask your question here. I'm
15 just simply going to assert the objection with
16 regard to anything pertaining to the identities
17 of other individuals who were terminated.

18 MR. AUERBACH: Okay. So what
19 would make you feel more comfortable? So
20 there's more than one person, and we're going to
21 be referring to different people so how are we
22 going to keep them together?

23 MS. FICARO: Steve, that's up to
24 you in terms of how to do it, so long as it does

9 (Pages 33 to 36)

JACK BONSKY

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<p>1 not reveal the identities of these individuals.</p> <p>2 MR. AUERBACH: Well, revealing</p> <p>3 them in deposition is a lot different than using</p> <p>4 them as an exhibit.</p> <p>5 MS. FICARO: Not necessarily,</p> <p>6 Steve.</p> <p>7 MR. AUERBACH: It's a completely</p> <p>8 different standard, honestly.</p> <p>9 CONFIDENTIAL PORTION HELD UNDER SEPARATE COVER</p> <p>10 *</p> <p>11 *</p> <p>12 *</p> <p>13 *</p> <p>14 *</p> <p>15 *</p> <p>16 *</p> <p>17 *</p> <p>18 *</p> <p>19 *</p> <p>20 *</p> <p>21 *</p> <p>22 *</p> <p>23 *</p> <p>24 *</p>	<p>1 *</p> <p>2 *</p> <p>3 *</p> <p>4 *</p> <p>5 *</p> <p>6 *</p> <p>7 *</p> <p>8 *</p> <p>9 *</p> <p>10 *</p> <p>11 *</p> <p>12 *</p> <p>13 *</p> <p>14 *</p> <p>15 *</p> <p>16 *</p> <p>17 *</p> <p>18 *</p> <p>19 *</p> <p>20 *</p> <p>21 *</p> <p>22 *</p> <p>23 *</p> <p>24 *</p>
Page 39	Page 40
<p>1 *</p> <p>2 *</p> <p>3 *</p> <p>4 *</p> <p>5 *</p> <p>6 *</p> <p>7 *</p> <p>8 *</p> <p>9 *</p> <p>10 *</p> <p>11 *</p> <p>12 *</p> <p>13 *</p> <p>14 *</p> <p>15 *</p> <p>16 *</p> <p>17 *</p> <p>18 *</p> <p>19 *</p> <p>20 *</p> <p>21 *</p> <p>22 *</p> <p>23 *</p> <p>24 *</p>	<p>1 *</p> <p>2 *</p> <p>3 MS. FICARO: Same objection with</p> <p>4 regard to initials. And, again, just to be</p> <p>5 clear, I would instruct him not to provide the</p> <p>6 initials either, but I'll permit him to answer</p> <p>7 as I did the similar -- the questions you asked</p> <p>8 about the last individual.</p> <p>9 BY MR. AUERBACH:</p> <p>10 Q. Okay. We're going to call this</p> <p>11 person Doe 3 -- or Doe 1.</p> <p>12 Is this a man or a woman?</p> <p>13 A. A woman.</p> <p>14 Q. And why was Doe 1 fired?</p> <p>15 A. Poor attendance.</p> <p>16 Q. Did this person work for you or</p> <p>17 for one of your subordinates?</p> <p>18 A. One of my subordinates.</p> <p>19 Q. Which subordinate?</p> <p>20 A. Joe Woods.</p> <p>21 Q. And did you or Mr. Woods give</p> <p>22 this individual any kind of warning that their</p> <p>23 job was in jeopardy because of attendance?</p> <p>24 A. Yes.</p>

10 (Pages 37 to 40)

JACK BONSKY

<p style="text-align: right;">Page 41</p> <p>1 Q. How many times?</p> <p>2 A. I don't know.</p> <p>3 Q. Was this in writing or was this</p> <p>4 just in person?</p> <p>5 A. In writing.</p> <p>6 Q. And did this termination happen</p> <p>7 before or after CR's termination?</p> <p>8 A. After.</p> <p>9 Q. Why was Doe 1 given a written</p> <p>10 warning but CR was not?</p> <p>11 A. When Doe 1 was terminated, that</p> <p>12 was under -- well, let's back up a second. I</p> <p>13 don't know that CR -- if CR got a warning or</p> <p>14 not. I believe that's what I stated -- that's</p> <p>15 what I meant to state. I don't know. I know</p> <p>16 that Doe 1 did have warning or warnings,</p> <p>17 according to our attendance policy.</p> <p>18 Q. All right. The next person we're</p> <p>19 going to talk about is Doe 2.</p> <p>20 A. Okay.</p> <p>21 Q. Why was Doe 2 fired?</p> <p>22 A. Performance.</p> <p>23 Q. What was this person's job?</p> <p>24 A. Machine operator.</p>	<p style="text-align: right;">Page 42</p> <p>1 Q. When was Doe 2 fired?</p> <p>2 A. Probably six weeks ago.</p> <p>3 Q. What was your involvement with</p> <p>4 Doe 2's termination?</p> <p>5 A. I was -- I was told that we would</p> <p>6 proceed with termination unless I objected.</p> <p>7 Q. So someone else made the call and</p> <p>8 you were just asked to sign off on it?</p> <p>9 A. That's correct.</p> <p>10 Q. What type of performance issues</p> <p>11 was Doe 2 having?</p> <p>12 A. Doe 2 was -- in the five days</p> <p>13 that he worked for us -- wasn't getting along</p> <p>14 with his teammates.</p> <p>15 Q. What does that mean?</p> <p>16 A. He was argumentive.</p> <p>17 Q. We discussed CR, Doe 1, Doe 2.</p> <p>18 Is there another person?</p> <p>19 A. Yes.</p> <p>20 Q. We'll call this person Doe 3.</p> <p>21 And why was Doe 3 fired?</p> <p>22 A. Gross misconduct.</p> <p>23 Q. What was Doe 3's job title?</p> <p>24 A. Blender.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. How long ago was Doe 3 fired?</p> <p>2 A. About two weeks ago.</p> <p>3 Q. And what was the gross misconduct</p> <p>4 that was the subject of termination?</p> <p>5 A. He threatened employees.</p> <p>6 Q. How so?</p> <p>7 A. He said he was going to call</p> <p>8 people to come in and beat up somebody.</p> <p>9 Q. And obviously he wasn't warned</p> <p>10 before he was fired.</p> <p>11 You heard about that and you</p> <p>12 fired him?</p> <p>13 A. You are correct.</p> <p>14 Q. Is there a Doe 4 or have we</p> <p>15 discussed everyone?</p> <p>16 A. We've discussed everybody.</p> <p>17 Q. So other than -- other than CR,</p> <p>18 Matthew Reynolds, Doe 1, 2 and 3, these are the</p> <p>19 only individuals at Willert that you had</p> <p>20 anything to do with their termination?</p> <p>21 A. Correct.</p> <p>22 Q. Have you ever reprimanded</p> <p>23 Mr. Hansen?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Have you ever disciplined him?</p> <p>2 A. No.</p> <p>3 Q. Have you ever coached him?</p> <p>4 A. Yes.</p> <p>5 Q. On what?</p> <p>6 A. Prioritization.</p> <p>7 Q. What does that mean?</p> <p>8 A. Making sure he's working on what</p> <p>9 is urgent to the company that he didn't</p> <p>10 necessarily realize.</p> <p>11 Q. When did this coaching session</p> <p>12 happen?</p> <p>13 A. The one I'm thinking about was in</p> <p>14 January.</p> <p>15 Q. Other than this January 2021 --</p> <p>16 January 2021; correct?</p> <p>17 A. Yes, this year.</p> <p>18 Q. Other than that instance, did you</p> <p>19 have any other opportunity or occasion to coach</p> <p>20 him?</p> <p>21 A. We have daily conversation, but</p> <p>22 that -- what I talked to you about before, I</p> <p>23 would call that coaching.</p> <p>24 Q. And fair to say he's never been</p>

11 (Pages 41 to 44)

JACK BONSKY

<p style="text-align: right;">Page 45</p> <p>1 put on a performance improvement plan?</p> <p>2 A. That's correct.</p> <p>3 Q. His salary -- Mr. Hansen's salary</p> <p>4 is \$85,000; is it not?</p> <p>5 MS. FICARO: Objection. Just</p> <p>6 instruct him not to answer that question, to</p> <p>7 provide information regarding Mr. Hansen's</p> <p>8 salary information, as that's confidential</p> <p>9 information pertaining to, you know, a nonparty</p> <p>10 to this action.</p> <p>11 BY MR. AUERBACH:</p> <p>12 Q. Do you know if he makes more --</p> <p>13 is his salary greater or less than</p> <p>14 Mr. Reynolds'?</p> <p>15 MS. FICARO: Same objection and</p> <p>16 instruction.</p> <p>17 MR. AUERBACH: It goes to</p> <p>18 damages.</p> <p>19 MS. FICARO: It does not.</p> <p>20 BY MR. AUERBACH:</p> <p>21 Q. *Was he eligible to earn a</p> <p>22 \$15,000 bonus?</p> <p>23 MS. FICARO: Same objection with</p> <p>24 regard -- instruction with regard to</p>	<p style="text-align: right;">Page 46</p> <p>1 Mr. Hansen's earnings.</p> <p>2 MR. AUERBACH: Okay. Court</p> <p>3 reporter, would you mark this? Let's just</p> <p>4 handle all these at the same time. And when I</p> <p>5 say mark this, I mean where there's been</p> <p>6 instruction not to answer with page and line.</p> <p>7 And if you can, in any way, mark it now because</p> <p>8 we're going to call the court --</p> <p>9 MS. FICARO: Steve, in order to</p> <p>10 avoid a discovery dispute, I welcome any</p> <p>11 rationale as to how that bears relevance on this</p> <p>12 case and why it's not confidential.</p> <p>13 MR. AUERBACH: So, first off, you</p> <p>14 haven't asserted any kind of privilege, and</p> <p>15 that's not a basis to tell him not to answer --</p> <p>16 to instruct the witness not to answer. The</p> <p>17 other way you can instruct the witness not to</p> <p>18 answer is by an insertion of privilege, for</p> <p>19 which you have none. The second is this goes to</p> <p>20 damages. I'd like to know if he earned a</p> <p>21 \$15,000 bonus that Mr. Reynolds was going to get</p> <p>22 and why or why not and the extenuating</p> <p>23 circumstances. And you know the judge is going</p> <p>24 to make him answer this, and the judge is going</p>
<p style="text-align: right;">Page 47</p> <p>1 to be pissed off at you for making us have to</p> <p>2 call. And he's going to be asking what's the</p> <p>3 basis --</p> <p>4 MS. FICARO: I disagree with</p> <p>5 that, Steve, but setting that aside, if your</p> <p>6 questions are specifically about the bonus, I'll</p> <p>7 permit him to answer questions about the bonus.</p> <p>8 MR. AUERBACH: Okay.</p> <p>9 CONFIDENTIAL PORTION HELD UNDER SEPARATE COVER</p> <p>10 *</p> <p>11 *</p> <p>12 *</p> <p>13 *</p> <p>14 *</p> <p>15 *</p> <p>16 *</p> <p>17 *</p> <p>18 *</p> <p>19 *</p> <p>20 *</p> <p>21 *</p> <p>22 *</p> <p>23 *</p> <p>24 *</p>	<p style="text-align: right;">Page 48</p> <p>1 *</p> <p>2 *</p> <p>3 *</p> <p>4 *</p> <p>5 *</p> <p>6 Q. What are Mr. Hansen's duties?</p> <p>7 A. He's the maintenance manager.</p> <p>8 He's in charge of the facility, the equipment.</p> <p>9 He has the mechanics reporting in to him. He</p> <p>10 purchases supplies.</p> <p>11 Q. How many other facilities does</p> <p>12 Willert have?</p> <p>13 A. Three others.</p> <p>14 Q. Where are they?</p> <p>15 A. There's one in West Virginia,</p> <p>16 there's also St. Louis, Missouri, and we have</p> <p>17 operations in Shanghai, China.</p> <p>18 Q. Mr. Bonsky, what's your highest</p> <p>19 level of education?</p> <p>20 A. Master's degree.</p> <p>21 Q. In what?</p> <p>22 A. Business administration.</p> <p>23 Q. When did you get your degree?</p> <p>24 A. 1989.</p>

12 (Pages 45 to 48)

JACK BONSKY

<p style="text-align: right;">Page 49</p> <p>1 Q. From where?</p> <p>2 A. Kent State University.</p> <p>3 Q. Do you have any certificates or</p> <p>4 trainings?</p> <p>5 A. Yes.</p> <p>6 Q. In what?</p> <p>7 A. I've been trained to be a Six</p> <p>8 Sigma leader, Six Sigma yellow belt. I achieved</p> <p>9 quality -- certified quality engineer status,</p> <p>10 I've been trained in the DuPont safety training</p> <p>11 observation program to have respect for</p> <p>12 workplace training, I was -- I went through a</p> <p>13 thing with Saint-Gobain called the management</p> <p>14 development institute, which was four weekly</p> <p>15 sessions -- I think it was four or three. I'm</p> <p>16 not sure. It was weekly sessions at the</p> <p>17 University of New Hampshire where they sent</p> <p>18 their -- the better people they wanted to make</p> <p>19 even better.</p> <p>20 Q. This respect for workplace</p> <p>21 training, what is that?</p> <p>22 A. The takeaways were very</p> <p>23 interesting, quite frankly. When it comes to</p> <p>24 respect for workplace, the best way I can do is</p>	<p style="text-align: right;">Page 50</p> <p>1 just explain. Like, if -- let's suppose I swear</p> <p>2 around you and you don't like swearing, right.</p> <p>3 In my mind I didn't do anything wrong, but in</p> <p>4 your mind it's offensive. So being</p> <p>5 disrespectful is in the eyes of the person who's</p> <p>6 being -- who feels disrespect. So it teaches</p> <p>7 you that if there is a situation, like if I --</p> <p>8 if you feel that I've done something</p> <p>9 disrespectful to you, it encourages the two</p> <p>10 people to work it out amongst themselves, if</p> <p>11 they can, not to go up the chain of command, but</p> <p>12 to try to work things out at the lowest level</p> <p>13 and just understand that what's offensive to one</p> <p>14 is not necessarily the same as what's offensive</p> <p>15 to somebody else. Sexual harassment is a part</p> <p>16 of respect for the workplace, too. That's a big</p> <p>17 one.</p> <p>18 Q. Have you ever had any EEO</p> <p>19 training?</p> <p>20 MS. FICARO: I'm sorry. Excuse</p> <p>21 me. EEO, did you say?</p> <p>22 MR. AUERBACH: Yes. Equal</p> <p>23 Employment Opportunity training.</p> <p>24 THE WITNESS: No.</p>
<p style="text-align: right;">Page 51</p> <p>1 BY MR. AUERBACH:</p> <p>2 Q. Any sexual harassment training?</p> <p>3 A. As part of the respect for</p> <p>4 workplace. That's part of that.</p> <p>5 Q. Any workplace discrimination or</p> <p>6 retaliation training?</p> <p>7 A. No.</p> <p>8 Q. What about any employment</p> <p>9 harassment training?</p> <p>10 A. What do you mean by that, please?</p> <p>11 Q. Any training on hostile work</p> <p>12 environments?</p> <p>13 A. Yes.</p> <p>14 Q. Where was this training?</p> <p>15 A. This was with Saint-Gobain again.</p> <p>16 Q. And did you attend that training</p> <p>17 before you started working for Willert?</p> <p>18 A. Yes.</p> <p>19 Q. Has Willert ever given you any</p> <p>20 harassment training?</p> <p>21 A. No.</p> <p>22 Q. Has Willert given you any Equal</p> <p>23 Employment Opportunity training?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Have they given you any classes</p> <p>2 on any of those topics?</p> <p>3 A. No.</p> <p>4 Q. Before you started working for</p> <p>5 Willert, were you ever the plant manager of any</p> <p>6 other company?</p> <p>7 A. Yes.</p> <p>8 Q. Where?</p> <p>9 A. Been plant manager several times.</p> <p>10 Most recently in Wales. I lived in the UK, ran</p> <p>11 a plant there that was owned by Spectrum Brands</p> <p>12 when I got overseas, and then we were purchased</p> <p>13 by Energizer before I left. I ran a plant for</p> <p>14 Spectrum Brands in Ohio, before that I ran a</p> <p>15 plant for -- I was plant manager for a company</p> <p>16 called Beckett Air prior to that.</p> <p>17 Q. Do you have any previous human</p> <p>18 resources experience?</p> <p>19 A. Yeah. I -- I had -- human</p> <p>20 resources has reported to me on several</p> <p>21 occasions.</p> <p>22 Q. In Willert, does human resources</p> <p>23 report to you or someone else?</p> <p>24 A. The plant human resources person</p>

13 (Pages 49 to 52)

JACK BONSKY

<p style="text-align: right;">Page 53</p> <p>1 reports to me.</p> <p>2 Q. Who is the plant human resources</p> <p>3 manager?</p> <p>4 A. That's Deborah Kulp.</p> <p>5 Q. Is she related to John Kulp?</p> <p>6 A. No.</p> <p>7 Q. Have you discussed Mr. Reynolds</p> <p>8 or his allegations with Debra Kulp?</p> <p>9 A. Yes.</p> <p>10 Q. What did you discuss?</p> <p>11 A. She was involved in our</p> <p>12 preparations.</p> <p>13 Q. Preparations for what?</p> <p>14 A. For the deposition.</p> <p>15 Q. What does that mean, she was</p> <p>16 involved in the preparations for this</p> <p>17 deposition?</p> <p>18 A. She knew what was going -- it was</p> <p>19 going on, and she answered some questions that I</p> <p>20 had specifically involving the case.</p> <p>21 Q. What questions did you have?</p> <p>22 A. I wanted to --</p> <p>23 MS. FICARO: To the extent that</p> <p>24 any of these were conversations that we had, I</p>	<p style="text-align: right;">Page 54</p> <p>1 would just instruct you not to disclose that,</p> <p>2 but to the extent that they are not, you know,</p> <p>3 please answer the question if you can.</p> <p>4 BY MR. AUERBACH:</p> <p>5 Q. And Mr. Bonsky, I want to be</p> <p>6 clear what I'm asking. I'm not asking for</p> <p>7 anything that you told the lawyer, but if</p> <p>8 there's anything that you told Ms. Kulp, that's</p> <p>9 what I'm asking you about.</p> <p>10 A. I asked her for his -- for Matt's</p> <p>11 training records.</p> <p>12 Q. Why did you ask for Matt's</p> <p>13 training records?</p> <p>14 A. To see what he was trained in.</p> <p>15 Q. When did you ask for Matt's</p> <p>16 training records?</p> <p>17 A. When we answered the -- I believe</p> <p>18 it was eight questions that counsel sent to us</p> <p>19 that involved training.</p> <p>20 Q. And did Deborah Kulp give you</p> <p>21 Matt's training records?</p> <p>22 A. Not physically, but she let me</p> <p>23 know what he had done.</p> <p>24 Q. And training can mean any number</p>
<p style="text-align: right;">Page 55</p> <p>1 of things.</p> <p>2 Q. What do you mean by Matt's</p> <p>3 training records?</p> <p>4 A. Well, we have very many formal</p> <p>5 trainings that we do. Like, it's, I believe, 79</p> <p>6 of them.</p> <p>7 Q. You're talking about -- so you</p> <p>8 were asking about Matt's training records that</p> <p>9 are Willert's records?</p> <p>10 A. Yes.</p> <p>11 Q. Are these OSHA trainings, safety</p> <p>12 trainings? What are these trainings?</p> <p>13 A. They are. There's other</p> <p>14 trainings as well.</p> <p>15 Q. And what is your understanding --</p> <p>16 having had this conversation, what is your</p> <p>17 understanding of Matt's training with Willert?</p> <p>18 A. I don't understand the question.</p> <p>19 Q. What type of training did Willert</p> <p>20 give Matt?</p> <p>21 A. I inquired about the eight</p> <p>22 questions that were posed, and that's what I</p> <p>23 reviewed.</p> <p>24 Q. Do you know what training</p>	<p style="text-align: right;">Page 56</p> <p>1 Mr. Reynolds received from Willert?</p> <p>2 A. The -- one of the OSHA trainings</p> <p>3 he did get. It was question two, and I can't</p> <p>4 recall the verbiage of that question.</p> <p>5 Q. When did you receive that</p> <p>6 question?</p> <p>7 MS. FICARO: I just want to</p> <p>8 object on the basis of privilege. To the extent</p> <p>9 that you're referring to questions from me to</p> <p>10 you, Jack, I would just instruct you not to</p> <p>11 answer those, that they would be privileged. To</p> <p>12 the extent that you're referring to something</p> <p>13 non-privileged, you're permitted to answer the</p> <p>14 question if you can.</p> <p>15 Steve, do you want to re-ask the</p> <p>16 question with that same instruction and</p> <p>17 objection?</p> <p>18 BY MR. AUERBACH:</p> <p>19 Q. What else did you discuss with</p> <p>20 Mr. Kulp about Mr. Reynolds?</p> <p>21 A. That's Mrs. Kulp, by the way.</p> <p>22 Q. Mrs. Kulp.</p> <p>23 A. Okay.</p> <p>24 Q. But not Mrs. to John Kulp?</p>

14 (Pages 53 to 56)

JACK BONSKY

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1 **A. That is correct. I have nothing**
 2 **I can add.**
 3 Q. Did Mrs. Deborah Kulp -- was she
 4 involved, in any way, in the decision to
 5 terminate Mr. Reynolds?
 6 **A. No.**
 7 Q. When did she start working at
 8 Willert?
 9 **A. Maybe the end of November, 1st of**
 10 **December. It was after Mr. Reynolds' employment**
 11 **ended.**
 12 **MR. AUERBACH: This is a good**
 13 **place to take a break.**
 14 - - -
 15 **(Whereupon, a brief recess was taken.)**
 16 - - -
 17 **BY MR. AUERBACH:**
 18 Q. Mr. Bonsky, did you have any
 19 conversations with Eileen during our break?
 20 **A. No.**
 21 Q. Since you started working with
 22 Willert, have any of your employees been hurt on
 23 the job?
 24 **A. No. I take that back. No OSHA**

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1 **recordable injuries. We have had a handful of**
 2 **first aid situations though.**
 3 Q. Any workers' comp claims?
 4 **A. There's an existing one, but**
 5 **nothing new.**
 6 Q. What does that mean, an existing
 7 one? Did that predate your employment or --
 8 **A. It predated my employment.**
 9 Q. And the individual who has the
 10 claim, what position did he hold?
 11 **A. He's the plastics supervisor.**
 12 Q. To your knowledge, did Mr. Hansen
 13 have any first aid issues?
 14 **A. I don't recall any.**
 15 Q. What's your understanding of the
 16 plastics supervisor's claim? How did it happen
 17 and the injuries?
 18 **MS. FICARO: To the extent that**
 19 **this pertains to, you know, an ongoing claim**
 20 **there, I object to this line of questioning.**
 21 **BY MR. AUERBACH:**
 22 Q. In this calendar year, have there
 23 been any production man hours lost because of
 24 work injuries?

Page 59

1 **A. No.**
 2 Q. When did you first learn that
 3 Pennsylvania had legalized marijuana for medical
 4 purposes?
 5 **A. I don't know.**
 6 Q. You are aware that it's legal for
 7 medical purposes; are you not?
 8 **A. Yes.**
 9 Q. And do you think it's a good idea
 10 for people with cancer or AIDS to have access to
 11 additional medication?
 12 **MS. FICARO: Objection. You can**
 13 **answer it if you are able to answer it.**
 14 **THE WITNESS: The answer is yes.**
 15 **BY MR. AUERBACH:**
 16 Q. What is your understanding of the
 17 phrase medical marijuana patient employment
 18 discrimination? And I'm not looking for a legal
 19 definition. I'm asking you for your
 20 understanding of what the term means.
 21 **MS. FICARO: Objection to form.**
 22 **You can answer if you are able to, Jack.**
 23 **THE WITNESS: I don't know about**
 24 **it.**

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1 **BY MR. AUERBACH:**
 2 Q. What's your understanding of the
 3 term?
 4 **MS. FICARO: Same objection. You**
 5 **can answer if you are able, Jack.**
 6 **MR. AUERBACH: One second. I**
 7 **need to make a record of this.**
 8 **Eileen, I'm going to ask you not**
 9 **to use the words if you're able. You can say --**
 10 **obviously, you can object on any legitimate**
 11 **grounds. You can then -- it's then appropriate**
 12 **to direct the deponent to answer, but the words**
 13 **if you are able may be misconstrued as coaching.**
 14 **I'm going to ask you to not use the words if you**
 15 **are able.**
 16 **MS. FICARO: There is nothing**
 17 **wrong or objectionable with me saying if you're**
 18 **able and following that with instructing the**
 19 **witness to answer. So I disagree with the**
 20 **position that you're taking, but nonetheless,**
 21 **the substance of my direction to the witness,**
 22 **which is to answer the question despite my**
 23 **objection, remains the same.**
 24 **BY MR. AUERBACH:**

15 (Pages 57 to 60)

JACK BONSKY

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1 Q. Have you ever been involved, in
2 any capacity, in formulating or crafting any
3 antidiscrimination policies at Willert?

4 A. No.

5 Q. Have you ever been involved, in
6 any capacity, in administering training on
7 antidiscrimination policies at Willert?

8 A. No.

9 Q. Does Willert have any policies to
10 make sure that medical marijuana patients are
11 not denied equal employment opportunities?

12 MS. FICARO: Objection. You can
13 answer.

14 THE WITNESS: Not that I'm aware
15 of.

16 BY MR. AUERBACH:

17 Q. We had briefly touched on this,
18 but Mr. Reynolds worked for Willert as a
19 maintenance manager.

20 What are a maintenance manager's
21 duties?

22 A. The maintenance manager is in
23 charge of the facility. That's everything from
24 the air conditioning to the roof. I take that

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1 back. We rent. The roof is somebody else's
2 responsibility. But taking care of the office
3 plumbing and all that kind of stuff, responsible
4 for the machines, of maintaining them, repairing
5 them, leading the installation of new equipment,
6 ordering things that are required for the plant
7 to maintain it, making sure we have critical
8 spare parts.

9 Q. When you say maintaining and
10 repairing machines, you're referring to
11 overseeing his subordinates repair them?

12 A. That and he -- he would -- would
13 work on machines himself, as well, either with
14 his subordinates or alone.

15 Q. What machines would he work on?

16 A. What I remember -- I remember --
17 I can't recall specifically, but he used to
18 carry a little -- like a fanny pack kind of
19 thing, but not really -- I think it was on his
20 belt, but he used to carry tools with him and
21 gloves, and I know he got his hands dirty. I
22 just can't recall exactly what he's worked on.

23 Q. Did you ever see him working on
24 machines?

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1 A. I probably did. I can't think of
2 a specific instance.

3 Q. This position doesn't have
4 anything to do with confined spaces; does it?

5 A. Only to the -- only to the degree
6 that this position has to understand that we do
7 not -- we, Willert, do not go into confined
8 spaces.

9 Q. So he would not have been
10 expected to go into a confined space?

11 A. That's correct.

12 Q. Would he have been expected to
13 work at heights?

14 A. Yes.

15 Q. What does that mean?

16 A. I can give you an example.

17 Like, we have a scissor lift that
18 goes, I don't know, 25 feet in the air and there
19 can be -- I mean, the current maintenance
20 manager goes up and, you know, mount wood of --
21 I don't know if he did, but that would be his
22 responsibility. Sometimes you have to fix
23 things that are way up.

24 Q. And you're referring specifically

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1 to that lift?

2 A. That's what I am, yes.

3 Q. And is the lift -- when one goes
4 up on the lift, is it an enclosed --

5 A. No.

6 Q. Are there any fall barriers to
7 prevent a fall?

8 A. Yeah. There are rails around it.

9 Q. How high are the rails?

10 A. About 36 inches, guessing.

11 Q. You never saw Matt on that lift;
12 did you?

13 A. No, I did not.

14 Q. How often does the current
15 maintenance manager go off -- go up on that
16 lift?

17 A. Probably at least once a week. I
18 don't pay attention. It's not that big a deal
19 to me. I see him regularly using it.

20 Q. Is there a harness that one wears
21 when one goes on this?

22 A. No.

23 Q. Do you know the name of the lift?

24 A. No.

16 (Pages 61 to 64)

JACK BONSKY

<p style="text-align: right;">Page 65</p> <p>1 Q. Is it a cherry picker?</p> <p>2 A. No. So a cherry picker has an</p> <p>3 articulating arm generally. This one just goes</p> <p>4 straight up and straight down, and then it moves</p> <p>5 with wheels on the -- tires on the ground.</p> <p>6 Q. Does one need a license to</p> <p>7 operate this machine?</p> <p>8 A. No.</p> <p>9 Q. Have you ever been on it?</p> <p>10 A. No.</p> <p>11 Q. Any reason why?</p> <p>12 A. No.</p> <p>13 Q. How's it powered?</p> <p>14 A. Battery powered. Rechargeable.</p> <p>15 Q. Other than this lift, any other</p> <p>16 heights the maintenance manager is involved in?</p> <p>17 A. Ladders.</p> <p>18 Q. Anything else?</p> <p>19 A. Nothing else comes to mind.</p> <p>20 Q. And this position has nothing to</p> <p>21 do with public utilities like gas, water,</p> <p>22 sewage; does it?</p> <p>23 A. I don't understand that question.</p> <p>24 Q. I know it's clunky.</p>	<p style="text-align: right;">Page 66</p> <p>1 Does the maintenance manager have</p> <p>2 anything to do with operating sewage?</p> <p>3 A. Yes.</p> <p>4 Q. What?</p> <p>5 A. Well, all of the -- the drains</p> <p>6 are his responsibility, to keep them clear and,</p> <p>7 you know, not leaking.</p> <p>8 Q. How long did Mr. Reynolds work</p> <p>9 for Willert?</p> <p>10 A. I count either 14 or 17 days he</p> <p>11 was actually here and working for me. I don't</p> <p>12 recall the number because he had some days he</p> <p>13 missed.</p> <p>14 Q. The days I have of his employment</p> <p>15 are October 16, 2020 through November 5, 2020.</p> <p>16 Is that your understanding?</p> <p>17 A. That sounds correct.</p> <p>18 Q. And you were his supervisor</p> <p>19 during that time?</p> <p>20 A. Yes.</p> <p>21 Q. Did you consider Mr. Reynolds to</p> <p>22 be your friend?</p> <p>23 A. No.</p> <p>24 Q. Did you socialize with him</p>
<p style="text-align: right;">Page 67</p> <p>1 outside of work?</p> <p>2 A. He occasionally would send me</p> <p>3 text messages, and I -- I was not especially</p> <p>4 responsive.</p> <p>5 Q. What sorts of messages would he</p> <p>6 send you?</p> <p>7 A. He sent one that was a lead on a</p> <p>8 music store because he knows I play guitar, and</p> <p>9 he sent one at Thanksgiving. I frankly just did</p> <p>10 not understand. It was -- I don't know.</p> <p>11 Q. Did you ever put him on a</p> <p>12 performance improvement plan?</p> <p>13 A. No.</p> <p>14 Q. Did you ever write him up?</p> <p>15 A. No.</p> <p>16 Q. Did you ever give him an oral</p> <p>17 warning?</p> <p>18 A. Yes.</p> <p>19 Q. For what?</p> <p>20 A. I told him he had to let his</p> <p>21 people know where he is because that was their</p> <p>22 complaint.</p> <p>23 Q. Was that the only oral warning</p> <p>24 you ever gave him?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. That's all I remember.</p> <p>2 Q. Do you recall when that warning</p> <p>3 occurred?</p> <p>4 A. No.</p> <p>5 Q. Was anyone else around when you</p> <p>6 gave him that warning?</p> <p>7 A. No.</p> <p>8 Q. Do you recall his response to</p> <p>9 that warning?</p> <p>10 A. I don't remember.</p> <p>11 Q. Did you give him any kind of</p> <p>12 coaching?</p> <p>13 A. Beyond that, nothing. Excuse me.</p> <p>14 Nothing that I characterize as coaching. We had</p> <p>15 daily conversations of course.</p> <p>16 Q. Did you ever give him any</p> <p>17 coachings on his performance?</p> <p>18 A. No.</p> <p>19 Q. Did you ever let him know that</p> <p>20 his job was in jeopardy?</p> <p>21 A. No.</p> <p>22 Q. Have you ever had any</p> <p>23 conversations with him about what you might have</p> <p>24 perceived to be performance deficiencies other</p>

17 (Pages 65 to 68)

JACK BONSKY

<p style="text-align: right;">Page 69</p> <p>1 than the instance you had just discussed?</p> <p>2 A. Please restate that. I got lost.</p> <p>3 My apologies.</p> <p>4 Q. Other than the instance in which</p> <p>5 you told him you got to let your people know</p> <p>6 where you are, did you ever have any other</p> <p>7 conversations with him that might have been</p> <p>8 perceived as a performance deficiency?</p> <p>9 A. Yes.</p> <p>10 Q. What was that?</p> <p>11 A. He -- we do a -- he came onto the</p> <p>12 shop floor -- this is during COVID and masking</p> <p>13 -- and he was on the shop floor with a leather</p> <p>14 mask, which I don't care about, but it had nose</p> <p>15 holes in it so it wouldn't -- with the nose</p> <p>16 holes it wasn't doing what face masks were</p> <p>17 supposed to do, so I asked him to put on a</p> <p>18 proper one. First thing he says, well -- well,</p> <p>19 they don't work anyway, because they aren't N95</p> <p>20 masks then -- you know, 30 seconds later he</p> <p>21 says, well, I'll change it.</p> <p>22 Q. But you didn't write him up for</p> <p>23 that?</p> <p>24 A. No. That was in a public</p>	<p style="text-align: right;">Page 70</p> <p>1 setting. I mean, certain things you got to take</p> <p>2 care of, like masks during COVID.</p> <p>3 Q. Overall, how would you describe</p> <p>4 his abilities as a maintenance manager?</p> <p>5 A. Below average.</p> <p>6 Q. On what basis do you say that?</p> <p>7 A. I guess I can give you an</p> <p>8 example. I was with Bryan Willert on our line</p> <p>9 13, and there's a discussion about something</p> <p>10 electrical. I don't recall exactly what it was,</p> <p>11 but Bryan and I later talked, and it's like Matt</p> <p>12 doesn't really seem to understand. It's</p> <p>13 something he should have understood. Again, I</p> <p>14 don't even recall what the electrical thing was</p> <p>15 and, of course, his attendance wasn't good.</p> <p>16 Q. Did you ever warn him about his</p> <p>17 attendance?</p> <p>18 A. No.</p> <p>19 Q. Did you ever write him up for his</p> <p>20 attendance?</p> <p>21 A. No.</p> <p>22 Q. Did you ever coach him about his</p> <p>23 attendance?</p> <p>24 A. Let me back up here. Attendance</p>
<p style="text-align: right;">Page 71</p> <p>1 in terms of showing up -- I did coach him about</p> <p>2 showing up for work and letting people know when</p> <p>3 he's there, if you call that attendance, but</p> <p>4 beyond that, no.</p> <p>5 Q. Is that what -- what you meant</p> <p>6 when you said attendance? Is that what you</p> <p>7 meant about the complaint?</p> <p>8 A. No.</p> <p>9 Q. That's separate?</p> <p>10 A. That's separate. He would come</p> <p>11 in late, and he missed entire days.</p> <p>12 Q. On what days did he come in late?</p> <p>13 A. I don't have that at my</p> <p>14 fingertips. I've provided -- I have it, but not</p> <p>15 at my fingertips.</p> <p>16 Q. How many days did he come in</p> <p>17 late?</p> <p>18 A. I don't remember.</p> <p>19 Q. How do you know he came in late?</p> <p>20 A. I can remember at least one time.</p> <p>21 There were others. I tabulated this at one</p> <p>22 point. I remember tabulating it.</p> <p>23 Q. When you tabulated it, was it</p> <p>24 before or after being terminated?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I don't remember.</p> <p>2 Q. And what did you do with those</p> <p>3 tabulations?</p> <p>4 A. I can't speak to that.</p> <p>5 Q. Did you give them to your</p> <p>6 attorney?</p> <p>7 THE WITNESS: Am I allowed to</p> <p>8 answer that?</p> <p>9 MS. FICARO: As long as you don't</p> <p>10 disclose any conversations or discussions that</p> <p>11 were had --</p> <p>12 THE WITNESS: Okay.</p> <p>13 MS. FICARO: -- with any</p> <p>14 attorneys, myself or prior counsel then, yes,</p> <p>15 you can answer the question.</p> <p>16 THE WITNESS: Yes, I did provide</p> <p>17 it to counsel.</p> <p>18 BY MR. AUERBACH:</p> <p>19 Q. What information did you use to</p> <p>20 generate those tabulations?</p> <p>21 A. I -- well, for one, I flat out</p> <p>22 just remembered because it was a very short</p> <p>23 period of time when he worked here, and I have</p> <p>24 -- I had, at the time, some text -- I know I had</p>

18 (Pages 69 to 72)

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<p style="text-align: right;">Page 73</p> <p>1 a text message on one Monday that he came in 2 late. I think he said something to the effect 3 of decided to have breakfast at whatever time. 4 So it was very fresh at the time. He hadn't 5 worked here long. 6 Q. Did you ever share, with 7 Mr. Reynolds, these tabulations? 8 A. No. 9 Q. When was his shift supposed to 10 start? 11 A. He didn't -- the maintenance 12 manager does not work shift work, but I expect a 13 person to be here at a reasonable time, meaning 14 8 o'clock or before, in the morning, and stay in 15 through the afternoon or you can switch it a 16 little bit. If you want to do a 7:00 to 4:00, 17 that's fine. At the time we were working two 18 shifts. The first shift started at 5:30 and 19 ended at 2:30. So there's some leeway, but I 20 would expect a maintenance manager to have 21 contact with both shifts. 22 Q. Is there anything in writing that 23 says when a maintenance manager is supposed to 24 start his shift?</p>	<p style="text-align: right;">Page 74</p> <p>1 A. No. 2 Q. Did you ever have any 3 conversations with him as to what time you 4 expected him to be there? 5 A. Yes. When I talk -- yes. 6 Q. How many? 7 A. One. 8 Q. What did you tell him? 9 A. That was incorporated with the 10 information of you got to tell your guys where 11 you are. 12 Q. And what was his response? 13 A. I don't remember. 14 Q. After you had that conversation 15 with him, were there any other latenesses? 16 A. I don't remember. 17 Q. Did you conduct any performance 18 reviews for him? 19 A. No. 20 Q. Any reason? 21 A. I didn't feel that he had been 22 here long enough for me to have a meaningful 23 review with him. 24 Q. Honesty and integrity are two</p>
<p style="text-align: right;">Page 75</p> <p>1 important characteristics for individuals who 2 work for Willert; is that correct? 3 A. Yes. 4 Q. How important would you say those 5 characteristics are? 6 A. Very important. 7 Q. If you feel like you can't 8 answer, just let me know, but on a scale of 1 to 9 10, how important are honesty and integrity for 10 Willert employees? 11 MS. FICARO: Object to form. 12 THE WITNESS: I don't remember. 13 BY MR. AUERBACH: 14 Q. Do you have any reason to doubt 15 Mr. Reynolds' honesty or integrity? 16 A. No. 17 Q. Can you recall any occasion which 18 you believe that Mr. Reynolds potentially told a 19 lie? 20 A. No. 21 Q. Did you ever see Mr. Reynolds use 22 marijuana at work? 23 A. No. 24 Q. Did you ever see Mr. Reynolds</p>	<p style="text-align: right;">Page 76</p> <p>1 appear intoxicated at work? 2 A. No. 3 Q. I'm going to ask you a series of 4 questions about Mr. Reynolds' allegations. 5 When did you first learn that 6 Mr. Reynolds had failed his drug test? 7 A. Probably two to three days prior 8 to his termination. 9 Q. And how were you made aware? 10 A. The report came from Dave Furno. 11 He coordinated the drug test. 12 Q. When you say a report, was this a 13 written report or oral report or both? 14 A. Written. 15 Q. How did you receive this written 16 report? Was it handed to you, e-mail? 17 A. Handed to me. 18 Q. Mr. Furno handed it to you or 19 someone else did? 20 A. Yeah, Mr. Furno. 21 Q. Would it be -- what did Mr. Furno 22 tell you when he handed you this report? 23 A. Matt failed his drug test. 24 Q. The report that he handed to you,</p>

19 (Pages 73 to 76)

JACK BONSKY

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1 was that the results of the drug test or
 2 something else?
 3 **A. Results.**
 4 **Q.** Do you recall if it was more than
 5 one page?
 6 **A. It was one page.**
 7 **Q.** Other than that one page, the
 8 drug results, did you see any other paperwork
 9 that indicated that he had failed his drug test?
 10 **A. No.**
 11 **Q.** When Mr. Furno told you that Matt
 12 had failed his drug test, what did you then do?
 13 **A. I don't recall -- I do. Yeah. I**
 14 **-- that's when I reached out to Tammy for her**
 15 **guidance, Tammy Gillette, the HR person handling**
 16 **this.**
 17 **Q.** What did you -- what did you tell
 18 Ms. Gillette?
 19 **A. I just factually said here's the**
 20 **drug test.**
 21 **Q.** Did you send her a copy of the
 22 results?
 23 **A. I'm sure I did.**
 24 **Q.** Do you recall what Ms. Gillette

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1 told you in response to you telling her that
 2 Mr. Reynolds failed the test?
 3 **A. Specific conversation, no, but we**
 4 **talked about needing to terminate Mr. Reynolds,**
 5 **which I then got with my boss, Bryan Willert,**
 6 **because, again, nobody fires anyone alone and**
 7 **explained it to him and made the recommendation**
 8 **for termination and then we had some**
 9 **conversation about not that big a loss anyway**
 10 **because he wasn't performing great.**
 11 **Q.** Now, you had mentioned with
 12 respect to Doe 3 -- that's the gross misconduct
 13 individual, that you more or less just signed
 14 off on the termination, that someone else made
 15 the call.
 16 Who made the call or the
 17 recommendation to fire Mr. Reynolds?
 18 **MS. FICARO: Objection to form.**
 19 **You can answer.**
 20 **THE WITNESS: I'm sorry, Eileen?**
 21 **MS. FICARO: I just said**
 22 **objection to form. You can answer.**
 23 **THE WITNESS: Okay. Bryan**
 24 **Willert was the person that authorized the**

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1 **termination.**
 2 **BY MR. AUERBACH:**
 3 **Q.** Did anyone recommend the
 4 termination to Bryan Willert or did he come up
 5 with it on his own idea?
 6 **A. I recommended it to him.**
 7 **Q.** Was this on the day that you
 8 became aware that he had failed the drug test?
 9 **A. Not sure if it was that day. It**
 10 **was very shortly after.**
 11 **Q.** How was the termination
 12 communicated to Mr. Reynolds?
 13 **A. It was the set -- he had missed**
 14 **two days of work in a row, so we did it by**
 15 **telephone. I made the call from my desk with Ed**
 16 **Kennet at my side, was the witness to it, and I**
 17 **read the termination letter that Tammy had**
 18 **prepared word for word, top to bottom, and then**
 19 **at that point Matt sounded like he was crying,**
 20 **and he goes, but I have a card, and it's not**
 21 **even -- I don't even smoke pot. It's -- I get**
 22 **CBD from a place in Oregon, he said, for his**
 23 **anxiety. So I said fuck it. Let me make a**
 24 **call. So I called Tammy about it and -- just to**

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1 **verify what her thoughts were, and she was like**
 2 **it doesn't make a difference. So I called Matt**
 3 **back, and it went to voice mail, and I said, you**
 4 **know, you are terminated, and I let him know**
 5 **we'd send the stuff to his house.**
 6 **Q.** When Mr. Reynolds told you that
 7 he had a card, what did that mean to you?
 8 **A. It was a medical marijuana card,**
 9 **was my understanding. The first I heard, you**
 10 **know, from him that he had one.**
 11 **Q.** Did you ask him why he had a
 12 card?
 13 **A. No. He volunteered it was for**
 14 **anxiety though.**
 15 **Q.** Why did you call Ms. Gillette
 16 after he told you that he had a card?
 17 **A. Just to make sure that having the**
 18 **card could somehow change something.**
 19 **Q.** Why would it change something?
 20 **A. I don't know. I never been in a**
 21 **situation like this. Unfamiliar situations**
 22 **involving human resource things you talk to a**
 23 **human resources specialist to make sure you're**
 24 **doing the right thing is important.**

20 (Pages 77 to 80)

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1 Q. How long was the conversation
2 with Tammy when you told her that Mr. Reynolds
3 had the card?
4 A. Just several minutes.
5 Q. What chemicals do you have at
6 your plant?
7 A. We have dozens and dozens, if not
8 hundreds and hundreds of chemicals. Wide
9 variety. Everything from water -- well,
10 shouldn't say water. In terms of what they are,
11 we have things that are, like, soaps, we have
12 things that are acids, we have things that are
13 caustics, we have fragrances, we have colorants.
14 Some of -- most of what we have is liquid and
15 some is powder, some is palettes.
16 Q. Who handles the ordering of the
17 chemicals?
18 A. There's two people that order the
19 chemicals. One is the -- some of them the
20 supply chain manager orders, and we have a
21 gentleman that title is purchasing, but he
22 doesn't do very much of that. He orders some of
23 our things.
24 Q. I'm sorry. You cut out.

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1 registered with the state?
2 A. I frankly don't know the criteria
3 for that.
4 Q. Other than registering some of
5 these chemicals with the state, do you have to
6 have any other permits or licenses?
7 A. Boiler permit to run a boiler.
8 Q. But specifically for these
9 chemicals, do you need any licenses or permits
10 for these chemicals?
11 A. No.
12 Q. If Mr. Reynolds hadn't failed his
13 drug test, would he have been fired on November
14 5th?
15 A. No.
16 Q. Why do you say that?
17 A. I guess there's several ways you
18 get terminated, and he didn't reach any of the
19 thresholds for termination. He had only been
20 here a few weeks.
21 Q. So fair to say that's the reason
22 he was fired?
23 MS. FICARO: Objection.
24 THE WITNESS: What's the reason

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1 A. Yeah. We have two people. One
2 is a supply chain manager, the other is a person
3 whose title is purchasing, but as a practical
4 matter, he does very little of it.
5 Q. Do you oversee this process, at
6 all?
7 A. Yes.
8 Q. What's your involvement in the
9 procurement of these chemicals?
10 A. The two gentlemen I'm talking
11 about that are direct reports to me, so they're
12 accountable to me.
13 Q. Do any of these chemicals require
14 licenses or permits?
15 A. We register with the state for
16 some of our chemicals. Not sure if you call
17 that license approval.
18 Q. What state agency?
19 A. I don't know.
20 Q. Is it the Department of
21 Environment?
22 A. It could be the DEP. I don't
23 know.
24 Q. What chemicals have to be

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1 -- I didn't -- we fired him --
2 BY MR. AUERBACH:
3 Q. Is it fair to say he was fired
4 because of the drug test?
5 MS. FICARO: Objection.
6 THE WITNESS: Yes.
7 BY MR. AUERBACH:
8 Q. Mr. Bonsky, I'm just reviewing my
9 notes.
10 Do you believe he should have
11 been fired for this?
12 MS. FICARO: Objection. You can
13 answer.
14 THE WITNESS: Please say it
15 again. I thought I heard a double negative in
16 there. Maybe I got confused.
17 BY MR. AUERBACH:
18 Q. Do you believe that Mr. Reynolds
19 should have been fired for this?
20 MS. FICARO: Objection.
21 THE WITNESS: Yes.
22 BY MR. AUERBACH:
23 Q. Why do you say that?
24 A. It was a violation of -- it was a

21 (Pages 81 to 84)

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<p style="text-align: right;">Page 85</p> <p>1 company policy that you had to pass a drug test. 2 It was a violation. 3 Q. The company policy on passing the 4 drug test, does it differentiate between 5 employees' medical marijuana usage or 6 recreational usage? 7 A. I don't know. 8 Q. Is it Willert's policy that it 9 can fire medical marijuana patients for their 10 off-duty use of medical marijuana? 11 A. I'm not aware of a policy like 12 that. 13 Q. Are you aware of any policy that 14 a medical marijuana patient wouldn't be fired 15 for their off-duty use of medical marijuana? 16 A. No. 17 MS. FICARO: Objection to form. 18 You can answer. 19 THE WITNESS: I'm not aware of 20 that. I don't know all the policies necessarily 21 either. 22 BY MR. AUERBACH: 23 Q. Mr. Hansen is not licensed to 24 operate or control chemicals; is he?</p>	<p style="text-align: right;">Page 86</p> <p>1 A. He is not licensed, yes, that's 2 correct. 3 Q. And your maintenance managers are 4 not required to be licensed to operate or 5 control high-voltage electricity? 6 A. That's correct. 7 Q. And your maintenance managers are 8 not required to possess electrical journeyman 9 certificates? 10 A. That's correct. 11 Q. Does Willert provide arc flash or 12 electrical safety courses to its maintenance 13 managers? 14 A. No. 15 MR. AUERBACH: That's all I have 16 for you. 17 Eileen, do you have anything? 18 MS. FICARO: I do. 19 - - - 20 EXAMINATION 21 - - - 22 BY MS. FICARO: 23 Q. I just have one question, 24 Mr. Bonsky.</p>
<p style="text-align: right;">Page 87</p> <p>1 Did the performance issues that 2 you mentioned and testified to here today that 3 Mr. Reynolds had while working there, did they 4 factor into your recommendation that he be 5 terminated as well? 6 A. I included that in the 7 information with Bryan Willert, that his 8 performance was poor. 9 MS. FICARO: That's all I have. 10 Thank you. 11 MR. AUERBACH: Mr. Bonsky, thank 12 you so much. 13 * * * * * 14 (Whereupon, at 3:21 p.m., the 15 deposition of JACK BONSKY 16 was concluded.) 17 * * * * * 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 88</p> <p>1 C E R T I F I C A T E 2 3 COMMONWEALTH OF PENNSYLVANIA: 4 5 COUNTY OF PHILADELPHIA: 6 7 I, Masheka Pettiford, a Notary Public within 8 and for the County and State aforesaid, do 9 hereby certify that the foregoing deposition of 10 JACK BONSKY, was taken before me, pursuant to 11 notice, at the time and place indicated; that 12 said deponent was by me duly sworn to tell the 13 truth, the whole truth, and nothing but the 14 truth; that the testimony of said deponent was 15 correctly recorded in machine shorthand by me 16 and thereafter transcribed under my supervision 17 with computer-aided transcription; that the 18 deposition is a true record of the testimony 19 given by the witness; and that I am neither of 20 counsel nor kin to any party in said action, nor 21 interested in the outcome thereof. 22 23 WITNESS my hand and official of this 7th day 24 of September, 2021. 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 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<p style="text-align: right;">Page 89</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2 Please read your deposition</p> <p>3 over carefully and make any necessary</p> <p>4 corrections. You should state the reason in the</p> <p>5 appropriate space on the errata sheet for any</p> <p>6 corrections that are made.</p> <p>7 After doing so, please sign the</p> <p>8 errata sheet and date it.</p> <p>9 You are signing same subject to</p> <p>10 the changes you have noted on the errata sheet,</p> <p>11 which will be attached to your deposition.</p> <p>12 It is imperative that you</p> <p>13 return the original errata sheet to the deposing</p> <p>14 attorney within thirty (30) days of receipt of</p> <p>15 the deposition transcript by you. If you fail</p> <p>16 to do so, the deposition transcript may be</p> <p>17 deemed to be accurate and may be used in court.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 90</p> <p>1 -----</p> <p>2 E R R A T A</p> <p>3 -----</p> <p>4 PAGE LINE CHANGE</p> <p>5 -----</p> <p>6 Reason for Change: _____</p> <p>7 -----</p> <p>8 Reason for Change: _____</p> <p>9 -----</p> <p>10 Reason for Change: _____</p> <p>11 -----</p> <p>12 Reason for Change: _____</p> <p>13 -----</p> <p>14 Reason for Change: _____</p> <p>15 -----</p> <p>16 Reason for Change: _____</p> <p>17 -----</p> <p>18 Reason for Change: _____</p> <p>19 -----</p> <p>20 Reason for Change: _____</p> <p>21 -----</p> <p>22 Reason for Change: _____</p> <p>23 -----</p> <p>24</p>
<p style="text-align: right;">Page 91</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, _____, do hereby</p> <p>3 certify that I have read the foregoing pages, __</p> <p>4 _____ and that the same is a correct</p> <p>5 transcription of the answers given by me to the</p> <p>6 questions therein propounded, except for the</p> <p>7 corrections or changes in form or substance, if</p> <p>8 any, noted in the attached Errata Sheet.</p> <p>9 _____</p> <p>10 DATE SIGNATURE</p> <p>11</p> <p>12 Subscribed and sworn to before me this</p> <p>13 _____ day of _____,</p> <p>14 202__.</p> <p>15 My commission expires: _____</p> <p>16</p> <p>17 _____</p> <p>18 Notary Public</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	

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